

RE: Confidential: Viability of targeted listing in the Upper Animas Watershed

William Simon to: Forrest.Sabrina, pbutler, fearneng

11/05/2008 06:20 PM

From: "William Simon" <wsimon@frontier.net>

To:

Sabrina, I support your giving this matter another try although I don't think the response will be too encouraging. Many, but not all, think digging around, even for specific "listing" data could significantly injure future mining possibilities. Bev Rich, upon returning from the Butte conference, said "wow, you sure can tell Butte is a Superfund town" stating our community is so much more involved with all aspects of the projects, particularly setting the direction. Personally I think EPA should be spending it's resources encouraging our independence and bottom up management as an alternative to the superfund 'opportunity'. EPA has done this in the past, started by Bill Yellowtail and supported by Ms Russell and yourself, and we hope that continues. I would like to invite your manager to come up and hear our concerns first hand. Bill

-----Original Message-----

From: Forrest.Sabrina@epamail.epa.gov

[mailto:Forrest.Sabrina@epamail.epa.gov]

Sent: Wednesday, November 05, 2008 12:33 PM

To: pbutler@wildblue.net; wsimon@frontier.net; fearneng@rmi.net

Subject: Confidential: Viability of targeted listing in the Upper Animas Watershed

Hi all, I am seeking input and support from you all on a task my manager has given me that I won't be able to ignore. I have been struggling a bit on how to put this out to you. I have been tasked to find out if Superfund listing is even a realistic option anymore given the cleanups that have taken place in various

parts

of the watershed. Knowing some ARSG parties' and county members' views,

I want to reiterate that with targeted listing, there is still the potential for cleanup and re-mining/active mining to take place concurrently. Generally, if there are areas amenable to mining in an

environmentally sound manner, EPA will be supportive of that.

However,

if there are waste piles and waters that are still impacting overall

water quality and the downstream targets, AND the community wants them

addressed but has no means to address them, then Superfund could have a

role. However, listing will NEVER happen without community input, support, and a governor's support letter.

Essentially, I am asking that I be able to bring this topic back to the

ARSG table for discussion in November. I will have to let people know

that I can't ignore this; that I am being asked to begin looking at available source data, surface water/sediment data, fisheries and other

target data, and attribution to possible source(s) to determine if a

targeted area would score preliminarily above 28.5. I have not looked

at any Animas watershed data with Hazard Ranking System eyes yet either.

Also, I don't know if the remediation of some areas has created significant data gaps, or if it might be that the source and target data

are too old to reliably put a defensible HRS score together.

Realistically, I don't know if I have the time to put the data together,

but would likely assign this to an HRS-expert with the URS staff and

bring him to meet you all and see the area. I believe the upper Cement

Creek sites are still the worse issues with regard to water quality improvements at the A72 compliance point and below, but as I have said

in my targeted listing talks, the effects seen downstream have to be

attributable to the sites/sources you want to target for cleanup.
That
needs serious data and evaluation to say with confidence, and so I
think
this is a wise outlay of resources on the front end. If listing is
not
viable, time and money can be put toward finding other solutions.
This management need is based primarily on planning needs, for
staff and
cleanup resources, and annual requests for funds. They need to
forecast
what sites and how many in our region might get proposed to the NPL
for
the next few years to see if we have a significant queue started
that
will cause problems with actually getting money into the
communities for
cleanup. They also have to talk to the states about possible
listings
because the eventual O&M issues for those states that approve of
moving
sites forward in the listing process. Due to their need, doing
this
work also makes sense to me.

I sincerely apologize but must reiterate that this does not mean
Superfund is coming to the watershed. It just means that I need to
spend some resources seeing if listing is even viable. A benefit
of
this is that we will know if listing could be a possible funding
source
for water treatment, or if water treatment will be up to landowners
and
a consortium to sort through.

I look forward to your thoughtful input.

Sincerely,

Sabrina Forrest

Site Assessment Manager

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